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Red Cliff Indian Reservation

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IN THE SENATE OF THE UNITED STATES.

JULY 12, 1894.—Ordered to be printed.

Mr. SHOUP, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany H. Res. 140.]

The Committee on Indian Affairs have considered the joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in 1863, and for the allotment of the same, and recommend its passage.

The joint resolution passed the House of Representatives on June 7, 1894, and the facts relating to the necessity for favorable action are fully set forth in the report of the Committee on Indian Affairs of the House of Representatives, which is herewith submitted and made a part of this report.

HOUSE REPORT.

The Committee on Indian Affairs have had under consideration the joint resolution (H. Res. 140) to confirm the title to certain lands in the Chippewa band of Indians on the Red Cliff Reservation in Wisconsin, and report the same back with the recommendation that it pass.

The necessity for the passage of such a bill is to set at rest the question of title to certain lands withdrawn from public entry in 1863 by the land commissioner for the purpose of adding the same to the Red Cliff Reservation as established by the treaty of 1854.

The land withdrawn from the reservation for that purpose is estimated at 11,457 acres, less than one-half a township. Immediately after those lands were withdrawn from the market, as aforesaid, the Indians entered into possession of the same, and have, in their own way, occupied them constantly since. Recently several whites have attempted to enter those lands under the homestead law, and contests in the land department have been carried on until recently disposed of by the Interior Department, holding the title to be in the Indians. Nevertheless, it is considered advisable, in order to protect the Indians in their title, that Congress should so determine, which is the purpose of this resolution. The Commissioner of Indian Affairs and the Secretary of the Interior have both recommended its passage.

The last clause of the bill is necessary, because, from information filed in the Interior Department, the lands above mentioned, on account of being more valuable for timber than agriculture, are held not to be agricultural lands, and hence not subject to the general allotment law. This objection is overcome by a provision of the bill directing that they be allotted under the treaty of 1854.

Twenty-eight males and 7 females have taken allotments out of the lands owned by the tribe under the treaty of 1854. The census of 1893 shows that there are 136 males above the age of 18. Twenty-eight of those have allotments already and 108 are prepared to take them. The lands added to the original reservation will give

about 100 acres apiece to each Indian over the age of 18, but no more. For many years past the tribe has been wholly self-sustaining. The male members are all hard-working, industrious men, as anxious and willing to work as white men.

The timber has all been taken off the land by the allottees, but not off the land owned by them in common. They suffered a great deal of hardship last winter for want of work and because they were not permitted to do any lumbering upon their own lands. There was much dissatisfaction and ill feeling among them because they were not allowed to sell any timber off their lands so as to maintain themselves and afford them labor from which they could make a living.

Lieut. W. H. Mercer, the agent at that place, has written several times to the Department to have the lands allotted so that he could give them work; but, because the lands have been reported to be more useful for timber than agriculture, the President declined to make the allotment and referred the matter to Congress.

About four sections of the land are fairly well timbered, and for that reason is worth much more than any other part of their reservation. The agent there suggests that in the allotments of lands each one of the 100 and odd male Indians should be given a portion of this valuable timber land, and for that reason the clause has been inserted in the resolution authorizing the President to make such an equitable allotment as may seem to him to be necessary.

The purpose of this resolution is earnestly sought by the Indians and recommended by all the authorities at Washington as being for their best interests.

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1894.

SIR: I have the honor to acknowledge the receipt of your communication, 15th instant, and accompanying H. Res. 140, "Joint resolution to confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in 1863, and for the allotment of the same."

In response thereto I transmit herewith copy of a communication of 26th instant from the Commissioner of Indian Affairs, in which favorable report is made on the resolution.

Concurring in the views of the Commissioner, I have the honor to recommend that the resolution pass.

Very respectfully,

HOKE SMITH,
Secretary.

Hon. THOS. LYNCH,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 26, 1894.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of a communication from Hon. Thomas Lynch, dated March 15, 1894, in which he submits H. Res. 140, introduced by him to set at rest the question of the title of the Chippewa Indians to their enlarged Red Cliff Reservation in Wisconsin.

Mr. Lynch states that there has been much strife concerning the title to all lands now claimed in said reservation, except 4 sections described in the treaty of September 30, 1854 (10 Stats., 1109), and that it is not altogether clear that the Indians have any title beyond the 4 sections described in the treaty of 1854. He also states that he introduced the resolution chiefly at the request of the agent in charge, and that a prompt report will be appreciated, as will also your opinion as to the state of the title, which seems to be questioned by a great many.

The joint resolution declares that the lands in T. 51 and 52 N., R. 3 W., 51 and 52 N., R. 4 W., and 51 and 52 N., R. 5 W., in Bayfield County, Wis., withdrawn from sale or location for the purpose of enlarging the Red Cliff Indian Reservation by the several orders of the Commissioner of the General Land Office bearing dates May 27, 1863, June 3, 1863, and September 11, 1863, to be a part of said Indian reservation as fully and to the same effect as if they had been embraced in and reserved as a part of the said Red Cliff Reservation by the provisions of the treaty with the Chippewas of Lake Superior of September 30, 1854, and provides that said lands shall be allotted to members of the Red Cliff band of Chippewas of Lake Superior in accordance with the provisions of said treaty, provided that the President of the United States in making allotments may divide said lands between said Indians in such manner as will, in his judgment, be the most equitable.

The history of the withdrawal of these lands may be found in a letter of the Commissioner of the General Land Office, dated January 24, 1883, House Ex. Doc. No. 12, Forty-eighth Congress, first session, p. 6. As will be seen from said letter, most of the lands included in the several orders of the Commissioner of the General Land Office had been previously ordered to be withdrawn by Executive order. I do not think there can be any serious question but that these lands were withdrawn from settlement for the benefit of the Red Cliff Indians by competent authority. The President has, however, recently declined to grant authority for the allotment of the lands under the act of February 8, 1887 (24 Stats., 388). Most of the lands within the reservation are agricultural lands, there being few sections on which there is considerable timber. Reports received in this office recently indicate that attempts have been made by white men to settle upon or enter some of these lands upon the ground that they were not withdrawn by competent authority. To remove any doubt upon this point, I think the passage of the joint resolution in question, or some similar measure, would be most desirable. I also think it advisable that the allotment of these additional sections should be made in the same manner as those on the treaty reservation of this band of Indians, that is, under the treaty of September 30, 1854. For these reasons I am of the opinion that the resolution introduced by Mr. Lynch should become a law.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

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